

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DORITA L. MALONE**  
Plaintiff,

v.

**MICHAEL J. ASTRUE,**  
**COMMISSIONER OF SOCIAL SECURITY**  
Defendant.

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**CIVIL ACTION**


**NO. 05-CV-2991**

**ORDER**

**AND NOW**, this 9<sup>th</sup> day of September, 2008, upon consideration of the parties' submissions in regards to Plaintiff's motion for summary judgment, and after careful review of the Report and Recommendation filed by United States Magistrate Judge Timothy R. Rice (Doc. 15), and , **IT IS HEREBY ORDERED AND DECREED** that:

1. The Report and Recommendation dated August 14, 2008, is **APPROVED** and **ADOPTED**;
2. This matter is **REMANDED** to the Commissioner for review consistent with this report and recommendation.

**BY THE COURT:**

  
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Hon. Petrese B. Tucker, U.S.D.J.